

109TH CONGRESS
1ST SESSION

H. R. 368

To establish and rapidly implement regulations for State driver's license
and identification document security standards.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 2005

Mr. TOM DAVIS of Virginia introduced the following bill; which was referred to the Committee on Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish and rapidly implement regulations for State
driver's license and identification document security
standards.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Driver's License Security and Modernization Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

Sec. 3. Minimum document requirements and issuance standards for Federal recognition.

Sec. 4. Linking of databases.

Sec. 5. Trafficking in authentication features for use in false identification documents.

Sec. 6. Grants to States.

Sec. 7. Authority.

Sec. 8. Repeal.

1 **SEC. 2. DEFINITIONS.**

2 In this Act, the following definitions apply:

3 (1) DRIVER'S LICENSE.—The term “driver’s li-
4 cense” means a motor vehicle operator’s license, as
5 defined in section 30301 of title 49, United States
6 Code.

7 (2) IDENTIFICATION CARD.—The term “identi-
8 fication card” means a personal identification card,
9 as defined in section 1028(d) of title 18, United
10 States Code, issued by a State.

11 (3) SECRETARY.—The term “Secretary” means
12 the Secretary of Homeland Security.

13 (4) STATE.—The term “State” means a State
14 of the United States, the District of Columbia, Puer-
15 to Rico, the Virgin Islands, Guam, American Samoa,
16 the Northern Mariana Islands, the Trust Territory
17 of the Pacific Islands, and any other territory or
18 possession of the United States.

1 **SEC. 3. MINIMUM DOCUMENT REQUIREMENTS AND**
2 **ISSUANCE STANDARDS FOR FEDERAL REC-**
3 **OGNITION.**

4 (a) MINIMUM STANDARDS FOR FEDERAL USE.—

5 (1) IN GENERAL.—Beginning 3 years after the
6 date of the enactment of this Act, a Federal agency
7 may not accept, for any official purpose, a driver’s
8 license or identification card issued by a State to
9 any person unless the State is meeting the require-
10 ments of this section.

11 (2) STATE CERTIFICATIONS.—The Secretary
12 shall determine whether a State is meeting the re-
13 quirements of this section based on certifications
14 made by the State to the Secretary. Such certifi-
15 cations shall be made at such times and in such
16 manner as the Secretary, in consultation with the
17 Secretary of Transportation, may prescribe by regu-
18 lation.

19 (b) MINIMUM DOCUMENT REQUIREMENTS.—To meet
20 the requirements of this section, a State shall include, at
21 a minimum, the following information and features on
22 each driver’s license and identification card issued to a
23 person by the State:

24 (1) The person’s full legal name.

25 (2) The person’s date of birth.

26 (3) The person’s gender.

1 (4) The person’s driver license or identification
2 card number.

3 (5) A digital photograph of the person.

4 (6) The person’s address of principal residence.

5 (7) The person’s signature.

6 (8) Physical security features designed to pre-
7 vent tampering, counterfeiting, or duplication of the
8 document for fraudulent purposes.

9 (9) A common machine-readable technology,
10 with defined minimum data elements.

11 (c) MINIMUM ISSUANCE STANDARDS.—

12 (1) IN GENERAL.—To meet the requirements of
13 this section, a State shall require, at a minimum,
14 presentation and verification of the following infor-
15 mation before issuing a driver’s license or identifica-
16 tion card to a person:

17 (A) A photo identity document, except that
18 a non-photo identity document is acceptable if
19 it includes both the person’s full legal name and
20 date of birth.

21 (B) Documentation showing the person’s
22 date of birth.

23 (C) Proof of the person’s social security
24 account number or verification that the person

1 is not eligible for a social security account num-
2 ber.

3 (D) Documentation showing the person's
4 name and address of principal residence.

5 (2) SPECIAL REQUIREMENTS.—

6 (A) IN GENERAL.—To meet the require-
7 ments of this section, a State shall comply with
8 the minimum standards of this paragraph.

9 (B) EVIDENCE OF LEGAL STATUS.—A
10 State shall require, before issuing a driver's li-
11 cense or identification card to a person, valid
12 documentary evidence that the person—

13 (i) is a citizen of the United States;

14 (ii) is an alien lawfully admitted for
15 permanent or temporary residence in the
16 United States;

17 (iii) has conditional permanent resi-
18 dent status in the United States;

19 (iv) has a valid, unexpired non-
20 immigrant visa or nonimmigrant visa sta-
21 tus for entry into the United States;

22 (v) has a pending or approved applica-
23 tion for asylum in the United States;

24 (vi) has entered into the United
25 States in refugee status;

1 (vii) has a pending or approved appli-
2 cation for temporary protected status in
3 the United States;

4 (viii) has approved deferred action
5 status; or

6 (ix) has a pending application for ad-
7 justment of status to that of an alien law-
8 fully admitted for permanent residence in
9 the United States or conditional perma-
10 nent resident status in the United States.

11 (C) TEMPORARY DRIVERS' LICENSES AND
12 IDENTIFICATION CARDS.—

13 (i) IN GENERAL.—If a person pre-
14 sents evidence under any of clauses (iv)
15 through (ix) of subparagraph (B), the
16 State may only issue a temporary driver's
17 license or temporary identification card to
18 the person.

19 (ii) EXPIRATION DATE.—A temporary
20 driver's license or temporary identification
21 card issued pursuant to this subparagraph
22 shall be valid only during the period of
23 time of the applicant's authorized stay in
24 the United States or if there is no definite

1 end to the period of authorized stay a pe-
2 riod of one year.

3 (iii) DISPLAY OF EXPIRATION
4 DATE.—A temporary driver's license or
5 temporary identification card issued pursu-
6 ant to this subparagraph shall clearly indi-
7 cate that it is temporary and shall state
8 the date on which it expires.

9 (iv) RENEWAL.—A temporary driver's
10 license or temporary identification card
11 issued pursuant to this subparagraph may
12 be renewed only upon presentation of valid
13 documentary evidence that the status by
14 which the applicant qualified for the tem-
15 porary driver's license or temporary identi-
16 fication card has been extended by the Sec-
17 retary of Homeland Security.

18 (3) APPLICATIONS FOR RENEWAL, DUPLICA-
19 TION, OR REISSUANCE.—

20 (A) PRESUMPTION.—For purposes of
21 paragraphs (1) and (2), a State shall presume
22 that any driver's license or identification card
23 for which an application has been made for re-
24 newal, duplication, or reissuance has been
25 issued in accordance with the provisions of such

1 paragraphs if, at the time the application is
2 made, the driver's license or identification card
3 has not expired or been canceled, suspended, or
4 revoked.

5 (B) LIMITATION.—Subparagraph (A) shall
6 not apply to a renewal, duplication, or
7 reissuance if the State is notified by a local,
8 State, or Federal government agency that the
9 person seeking such renewal, duplication, or
10 reissuance is neither a citizen of the United
11 States nor legally in the United States.

12 (4) VERIFICATION OF DOCUMENTS.—To meet
13 the requirements of this section, a State shall imple-
14 ment the following procedures:

15 (A) Before issuing a driver's license or
16 identification card to a person, the State shall
17 verify, with the issuing agency, the issuance, va-
18 lidity, and completeness of each document re-
19 quired to be presented by the person under
20 paragraph (1) or (2).

21 (B) The State shall not accept any foreign
22 document, other than an official passport, to
23 satisfy a requirement of paragraph (1) or (2).

24 (C) Not later than September 11, 2005,
25 the State shall enter into a memorandum of un-

1 derstanding with the Secretary of Homeland
2 Security to routinely utilize the automated sys-
3 tem known as Systematic Alien Verification for
4 Entitlements, as provided for by section 404 of
5 the Illegal Immigration Reform and Immigrant
6 Responsibility Act of 1996 (110 Stat. 3009–
7 664), to verify the legal presence status of a
8 person, other than a United States citizen, ap-
9 plying for a driver’s license or identification
10 card.

11 (d) OTHER REQUIREMENTS.—To meet the require-
12 ments of this section, a State shall adopt the following
13 practices in the issuance of drivers’ licenses and identifica-
14 tion cards:

15 (1) Employ technology to capture digital images
16 of identity source documents so that the images can
17 be retained in electronic storage in a transferable
18 format.

19 (2) Retain paper copies of source documents for
20 a minimum of 7 years or images of source docu-
21 ments presented for a minimum of 10 years.

22 (3) Subject each person applying for a driver’s
23 license or identification card to mandatory facial
24 image capture.

1 (4) Establish an effective procedure to confirm
2 or verify a renewing applicant's information.

3 (5) Confirm with the Social Security Adminis-
4 tration a social security account number presented
5 by a person using the full social security account
6 number. In the event that a social security account
7 number is already registered to or associated with
8 another person to which any State has issued a driv-
9 er's license or identification card, the State shall re-
10 solve the discrepancy and take appropriate action.

11 (6) Refuse to issue a driver's license or identi-
12 fication card to a person holding a driver's license
13 issued by another State without confirmation that
14 the person is terminating or has terminated the driv-
15 er's license.

16 (7) Ensure the physical security of locations
17 where drivers' licenses and identification cards are
18 produced and the security of document materials
19 and papers from which drivers' licenses and identi-
20 fication cards are produced.

21 (8) Subject all persons authorized to manufac-
22 ture or produce drivers' licenses and identification
23 cards to appropriate security clearance requirements.

24 (9) Establish fraudulent document recognition
25 training programs for appropriate employees en-

1 gaged in the issuance of drivers' licenses and identi-
2 fication cards.

3 **SEC. 4. LINKING OF DATABASES.**

4 (a) IN GENERAL.—To be eligible to receive any grant
5 or other type of financial assistance made available under
6 this Act, a State shall participate in the interstate compact
7 regarding sharing of driver license data, known as the
8 “Driver License Agreement”, in order to provide elec-
9 tronic access by a State to information contained in the
10 motor vehicle databases of all other States.

11 (b) REQUIREMENTS FOR INFORMATION.—A State
12 motor vehicle database shall contain, at a minimum, the
13 following information:

14 (1) All data fields printed on drivers' licenses
15 and identification cards issued by the State.

16 (2) Motor vehicle drivers' histories, including
17 motor vehicle violations, suspensions, and points on
18 licenses.

19 **SEC. 5. TRAFFICKING IN AUTHENTICATION FEATURES FOR**
20 **USE IN FALSE IDENTIFICATION DOCUMENTS.**

21 Section 1028(a)(8) of title 18, United States Code,
22 is amended by striking “false authentication features” and
23 inserting “false or actual authentication features”.

1 **SEC. 6. GRANTS TO STATES.**

2 (a) IN GENERAL.—The Secretary may make grants
3 to a State to assist the State in conforming to the min-
4 imum standards set forth in this Act.

5 (b) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated to the Secretary for
7 each of the fiscal years 2005 through 2009 such sums as
8 may be necessary to carry out this Act.

9 **SEC. 7. AUTHORITY.**

10 (a) PARTICIPATION OF SECRETARY OF TRANSPOR-
11 TATION AND STATES.—All authority to issue regulations,
12 certify standards, and issue grants under this Act shall
13 be carried out by the Secretary, in consultation with the
14 Secretary of Transportation and the States.

15 (b) EXTENSIONS OF DEADLINES.—The Secretary
16 may grant to a State an extension of time to meet the
17 requirements of section 3(a)(1) if the State provides ade-
18 quate justification for noncompliance.

19 **SEC. 8. REPEAL.**

20 Section 7212 of the Intelligence Reform and Ter-
21 rorism Prevention Act of 2004 (Public Law 108–458) is
22 repealed.

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